

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CHERYL HOLLIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:07CV1891 RWS
	)	
PROCTOR & GAMBLE, INC., et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court for review of plaintiff’s motion to proceed in forma pauperis. The Court has reviewed the financial information provided by the plaintiff and finds that the motion should be granted. Pursuant to 28 U.S.C. § 1915(e), the Court is required to review the complaint and to dismiss any portion of it that is frivolous, malicious, or fails to state a claim upon which relief can be granted. Having reviewed the complaint, the Court finds that it contains frivolous claims that should be dismissed before service of process.

Plaintiff brings this action under Title VII, 42 U.S.C. § 1981, 42 U.S.C. § 1983, and state law for alleged employment discrimination and false imprisonment. Named as defendants are Proctor & Gamble (“P&G”) and Jeffery Osbourne, Operations Manager for P&G. Plaintiff alleges that she was discriminated against because she is African-American.

Plaintiff's Title VII claims, § 1981 claims, and state law claims survive review under 28 U.S.C. § 1915(e)(2)(B) and should not be dismissed at this time.

Plaintiff's § 1983 claims fail to state a claim upon which relief can be granted because defendants are private actors, not state actors. E.g., DeShaney v. Winnebago County Dept. of Social Services, 489 U.S. 189, 195 (1989) ("nothing in the language of the Due Process Clause itself requires the State to protect the life, liberty, and property of its citizens against invasion by private actors."). As a result, the Court will dismiss Counts III and IV from the complaint.

Accordingly,


**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis is **GRANTED**.

**IT IS FURTHER ORDERED** that Counts III and IV of the Complaint are **DISMISSED** without prejudice.

**IT IS FURTHER ORDERED** that the Clerk shall issue process or cause process to issue on the complaint.

An Order of Partial Dismissal shall accompany this Memorandum and Order.

Dated this 26th Day of November, 2007.

  
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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE